

Convention on Cultural Property Implementation Act

Agencies: Bureau for Educational and Cultural Affairs (Department of State)

Citation: [19 U.S.C. §§ 2601 *et seq.*](#)

Enacted as: “Title III of Public Law 97-446”, on January 12, 1983

Where Law Applies: The U.S. president has enforcement powers in the customs territory of the United States and may enter into a bilateral agreement with any other State Party to the relevant 1970 UNESCO Convention or a multilateral agreement with a State Party and one or more other nations (whether or not a State Party) to apply import restrictions.

Summary:

The United States is one of over 115 States party to the 1970 United Nations Educational, Scientific, and Cultural Organization (UNESCO) [Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#) (1970 UNESCO Convention). The 1970 UNESCO Convention is the result of member states’ concern over, and international cooperation in responding to, the problem of pillage of cultural property and loss of archaeological material during the 1960s. The Department of State (DOS) is responsible for administering the 1970 UNESCO Convention by means of the enabling legislation, entitled the [Convention on Cultural Property Implementation Act](#) (CCPIA) (19 U.S.C. §§ 2601 *et seq.*). The CCPIA enables the U.S. government to implement Articles 7(b)(1) and 9 of the 1970 UNESCO Convention. Specifically, the CCPIA allows the U.S. to consider requests from any State that is party to the 1970 UNESCO Convention to impose import restrictions on archaeological or ethnological material when pillage of these materials places a nation’s cultural heritage in jeopardy. The U.S. also may request assistance from other State Parties to carry out measures including control of exports, imports, and international commerce in certain cultural materials when U.S. cultural patrimony is in jeopardy.

Pursuant to the statutory process detailed in the CCPIA, the DOS receives foreign government requests for import restrictions. These are reviewed by the [Cultural Property Advisory Committee](#), which makes recommendations to the DOS, as the designee of the U.S. president, on appropriate U.S. action. The DOS may decide to enter into an agreement with a requesting country that not only imposes import restrictions, but also promotes international collaboration in developing sustainable safeguards for cultural heritage and increased international access to it for cultural, educational, and scientific purposes.

The DOS [Bureau for Educational and Cultural Affairs](#) (ECA) carries out the DOS’s responsibilities under the CCPIA, in consultation with the DOS’s geographic bureaus and its Office of the Legal Adviser (OLA), and with the Department of Homeland Security (DHS) which has the authority to enforce import restrictions authorized by the CCPIA. ECA’s Cultural Heritage Center provides technical and administrative support to the Cultural Property Advisory Committee.

Source: <http://exchanges.state.gov/heritage/culprop.html> (last visited on July 9, 2013)

Legislative History:

In 1972, the U.S. Senate gave its unanimous advice and consent to the the 1970 UNESCO Convention; however, special legislation was required to allow the U.S. to implement the Convention since it did not have a basis in U.S. law. In 1982, the U.S. Congress passed the CCPIA, and in January of 1983, President Ronald Reagan signed it into law.

During the Senate's consideration of the 1970 UNESCO Convention's draft legislation, testimony confirmed the destruction of archaeological sites and loss of related materials and information, essential to understanding cultural development. (For more information on the U.S. reasons for implementing the 1970 UNESCO Convention, see U.S. Senate Report 97-564 (September 1982)). Domestic legislation became increasingly important since the United States is a principal market for archaeological and ethnological objects, and stolen or illegally exported artifacts discovered within U.S. territory places a strain on foreign relations with the countries of origin. The DOS commented on the bill that the U.S. should render assistance in the matter of cultural property "on the grounds of principle, good foreign relations, and concern for the preservation of the cultural heritage of mankind"

Source: [Department of State Bureau of Educational and Cultural Affairs, Cultural Property Protection Background](#)

Cases:

- *United States v. Original Manuscript Dated November 19, 1778*, No. 96 CIV. 6221 (LAP) (S.D.N.Y. Feb. 22, 1999) (1999 WL 97894).

Other Relevant Sources:

- The [Department of State's Cultural Property Protection](#) website
 - Provides information on the process and purpose of such protection, background, foreign government requests, a chart of import restrictions, as well as the most recent news, among other information.
- The Archaeological Institute of America's [CCPIA Fact Sheet](#) (2010)